

RODNEY DEON BETHANY §
v. § CIVIL ACTION NO. 9:09cv32
DIRECTOR, TDCJ-CID §

The Petitioner Rodney Bethany, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of disciplinary action taken against him during his confinement in TDCJ-CID. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Bethany says that he was convicted of possession of alcohol, receiving punishments of 45 days of cell and commissary restrictions, reduction in classification status, and the loss of 60 days of good time credits. Bethany acknowledges that he is ineligible for release on mandatory supervision.

After review of the pleadings, the Magistrate Judge issued a Report on March 12, 2009, recommending that the petition be dismissed. The Magistrate Judge concluded that Bethany had failed to set out the deprivation of a constitutionally protected liberty interest, as explained by the Supreme Court in Sandin v. Conner, 115 S.Ct. 2293, 2301 (1995). The Magistrate Judge also recommended that Bethany be denied a certificate of appealability *sua sponte*.

A copy of this Report was sent to Bethany at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error,

from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

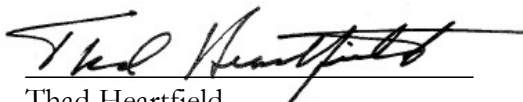
ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Rodney Bethany is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

SIGNED this the 27 day of **April, 2009**.


Thad Heartfield
United States District Judge